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In re Application of
VENKITARAMAN et al. :
Application No.: 10/531,242 : DECISION ON REQUEST
PCT No.: PCT/GB03/04485 : UNDER 37 CFR 1.497(d)
Int. Filing Date: 14 October 2003 :
Priority Date: 14 October 2002 :
Attorney Docket No.: 620-363 :
For: RAD51-BRC REPEAT CRYSTAL

This decision is in response to applicants' Renewed Request to 37 CFR 1.497(d) filed 23 May 2006.

BACKGROUND

On 14 October 2003, applicants filed the above-captioned international application, which claimed a priority date of 14 October 2002. The international application named: Ashok Venkitaraman; Luca Pellegrini; Tom Blundell; David Yu; Thomas Lo; Debbie Bates; Mahmud Shivji; Shubha Anand; and MiYoung Lee as applicants/inventors. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 14 April 2005.

On 14 April 2005, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, a basic national fee; a copy of the international application; and a preliminary amendment.

On 24 May 2005, applicants filed "Statement Pursuant to 37 CFR 1.497(d)." In a decision dated 23 February 2006, applicants' petition under 37 CFR 1.497(d) was dismissed without prejudice.

On 23 May 2006, applicants filed the present renewed petition under 37 CFR 1.497(d).

DISCUSSION

In the instant case, the international application named Ashok Venkitaraman; Luca Pellegrini; Tom Blundell; David Yu; Thomas Lo; Debbie Bates; Mahmud Shivji; Shubha Anand; and MiYoung Lee as applicants/inventors. Applicants request to delete Shubha Anand; Thomas Lo; and MiYoung Lee as applicants/inventors. In order to correct an error

in naming the inventor(s) made during the international stage in the national stage, a submission under 37 CFR 1.497(d) is required.

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires: (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part; (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.497(a); (3) the fee set forth in 37 CFR 1.17(h); and (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b). Applicants previously satisfied items (1), (2), and (3).

In regards to item (4), applicants have submitted a written consent of assignee to the correction in compliance with 37 CFR 3.73(b).

CONCLUSION

The request under 37 CFR 1.497(d) is **GRANTED**.

A review of the application papers reveals that applicants have completed all the requirements of 35 U.S.C. 371 for entry into the national stage. This application will be given an international application filing date of 14 October 2003 and a date of **24 May 2005** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).



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